



City of Rockville
Dept. of Community Planning & Development Services
Planning Division
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APP

APPLICATION FOR ADMINISTRATIVE APPEAL OR ZONING VARIANCE

☐ **APPEAL** ☐ **VARIANCE**

PROJECT IDENTIFICATION: _____

Application is hereby made with the Board of Appeals of Rockville for approval of a Administrative Appeal or Zoning Variance for the property described below:

PLEASE PRINT CLEARLY OR TYPE	PROPERTY ADDRESS		
	NUMBER, STREET & ZIP		
	SUBDIVISION	LOT	BLOCK
	ZONING	TAX ACCOUNT NO.	PROPERTY SIZE (in square feet)
APPLICANT*	NAME	MAILING ADDRESS – NUMBER, STREET, CITY, STATE, ZIP	
	FIRST	PHONE / FAX / E-MAIL	
PROPERTY OWNER	LAST		
	FIRST		
ARCHITECT Registration #	COMPANY		
	LAST	FIRST	
ENGINEER/ OTHER Registration #	COMPANY		
	LAST	FIRST	

* A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner

I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understand all procedures for filing this permit.

Signature of Applicant _____

TO BE COMPLETED BY THE PLANNING DIVISION

Application #: _____

Staff Reviewer: _____

Target Planning Board of Appeals

Public Hearing Date: _____

Received by: _____

Date: _____

Total fee: \$ _____

See reverse side



APPLICATION CHECKLIST

ADMINISTRATIVE APPEALS & ZONING VARIANCE SUBMITTAL

Please complete this checklist and include it as part of the application submittal. Each item on the checklist must be contained in the application packet. If items are missing, the application cannot be accepted.

Submitted	For Staff Use Only Received	
		APPEALS APPLICATIONS ONLY
<input type="checkbox"/>	<input type="checkbox"/>	A copy of decision or order being appealed
<input type="checkbox"/>	<input type="checkbox"/>	A concise statement of the facts and circumstances upon which you base your appeal
		VARIANCE APPLICATIONS ONLY
<input type="checkbox"/>	<input type="checkbox"/>	Completed Variance application
<input type="checkbox"/>	<input type="checkbox"/>	A record plat or site development plan to show how variance affects surrounding properties.
<input type="checkbox"/>	<input type="checkbox"/>	Proposed Construction Drawings
<input type="checkbox"/>	<input type="checkbox"/>	Filing fee.
<input type="checkbox"/>	<input type="checkbox"/>	Sign affidavit.

Comments on Submittal: (For Staff Use Only): _____

*Required only for tree removal, new construction, and landscape plans or alterations



SUBMITTAL PROCEDURES FOR ADMINISTRATIVE APPEALS & ZONING VARIANCE SUBMITTAL

PRE-APPLICATION MEETING:

A pre-application meeting with the Development Review Committee or the Planning staff is recommended prior to filing all applications.

VARIANCE APPLICATION ATTACHMENTS

A plot plan showing how the variance will affect the surrounding properties. This plan should include the following:

1. For variance in SIDE OR REAR YARD SETBACKS, the location and existing setback measurements of all buildings on adjacent properties.
2. For variances from MAXIMUM HEIGHT LIMITATIONS, a cross section with heights of existing buildings on adjacent properties.
3. For variances in FRONT YARD SETBACK, the front yard setback measurements of all buildings on the same side of the street as the applicant's property.

VARIANCE APPLICATION PROCESSING

Each applicant needs to be aware of the following facts about the processing of this application. After reading the following information, please sign below to acknowledge your understanding.

POSTING OF SIGN:

A sign must be posted on the property to provide notification of the application to the community. The City provides this sign to the applicant with 3 days of filing. It must remain posted until the Board of Appeals takes final action on the application. An affidavit of posting must be completed to certify that the sign was posted for the required time.

INSPECTION OF THE PROPERTY:

The members of the Board of Appeals, the Planning Commission and the City staff members must be given the opportunity to physically inspect the subject property to help them reach a decision on the application. This opportunity must be granted provided a reasonable notice is given for said inspection.

REVISIONS

Revisions to the site plan or application may be made up to the filing date (40 working days before the scheduled hearing date for Residential & 60 for Non Residential). Revisions made after the closing date may result in hearing postponement and/or the re-posting of the subject property if the Planning Division or the Chairman of the Board of Appeals decides that inadequate review or notification would result from the revisions, especially if the amount of the variance is increased.

HEARING/MEETING APPEARANCE:

The applicant must be prepared to present his/her case before the Planning Commission Board of Appeals .

THE DECISION:

Submission of this application with the filing fee is not a permit. The Board of Appeals will make the final decision (Approval/Denial/Dismissal) on this application. While the Planning Division and the Planning Commission may make recommendations to the Board on this application, these recommendations are advisory only and are not binding on the Board.

REFUNDS:

The filing fee is not refundable regardless of whether the application is approved or denied. Once the sign is returned, one-half of the sign fee (the deposit portion) will be refunded.

Signature of Applicant _____

Date _____

VARIANCE APPLICATION DETAILS

The following information is required as part of a variance application:

- A. From what Zoning Ordinance requirement(s) is the variance(s) requested? (State specific Ordinance(s) requirement(s), i.e. setback height, area, etc.) _____

- B. Please describe the exact amount of variance(s) requested (in feet/inches, area, etc.) _____

- C. This variance is requested in order to (describe what you want to build) _____

VARIANCE APPLICATION DEFINITION COMPLIANCE

- A. The Board cannot grant a variance unless the definition for a variance is met. The Zoning and Planning Ordinance defines a variance as follows: "A modification only of density, bulk or area requirements in the Zoning and Planning Ordinance where such modification will not be contrary to the public interest; and where owing to conditions peculiar to the property and not the result of any action taken by the applicant, a literal enforcement of this Chapter would result in practical difficulty."
- B. A list of all prior applications and those currently in effect filed within the last three (3) years in connection with these premises.

Application Number	Date	Action Taken
_____	_____	_____
_____	_____	_____
_____	_____	_____

- C. Mailing labels identifying all the affected property owners as shown in the official tax records for the project located within 200 feet of the boundaries of the subject property must accompany this application. These labels must be formatted in Avery® style #5660 or submitted on Win95/98 formatted diskette formatted to word text standards.

Answers to the following questions must be full and complete. If more space is need, attach additional pages:

1. Explain why the granting of the variance:

- (a) Is necessitated by conditions unique to the property _____

- (b) Will not be contrary to the public interest or injurious to the neighborhood _____

2. Explain why not granting the variance would result in practical difficulty in the use of the property _____

APPEALS APPLICATION ONLY

- A. Attach a copy of decision or order being appealed from.
- B. This appeal is based on Article _____, Section _____, of the Zoning and Planning Ordinance of the City of Rockville.
- C. Attach a concise statement of the facts and circumstances upon which you base your appeals.